**[What is VA's Pre-Need Burial Determination of Eligibility Program](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;1)**

VA’s Pre-Need Determination of Eligibility program will assist anyone who would like to know if they are eligible for burial in a VA national cemetery. To encourage Veterans and their eligible family members to use VA burial benefits, VA is promoting this advance planning program. Applicants who wish to immediately bury a deceased individual should contact a local funeral home or the National Cemetery Scheduling Office at (800) 535-1117 to expedite eligibility determination and burial scheduling. Pre-need eligibility determination should NOT be requested.

[**Who can apply and how to apply**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;2)

Anyone can apply for a pre-need burial eligibility determination for themselves by submitting VA Form 40-10007 *(Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery*) to the National Cemetery Scheduling Office (NCSO) by: toll-free fax at (855) 840-8299; or mail to the National Cemetery Scheduling Office, P.O. Box 510543, St. Louis, MO 63151. The form can be located online at: va.gov/vaforms/va/pdf/VA40-10007.pdf.

Applicants should provide documentation of military service, (such as a DD 214 or other record of discharge) if readily available; if not apply anyway. If VA does not have and cannot locate adequate information to make a decision on a pre-need claim, VA will notify the applicant regarding what information is required for determining eligibility and will provide assistance in obtaining information from other sources. Applicants will have an opportunity to provide additional information.

[**Who is eligible**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;3)

Burial in a VA national cemetery is open to all members of the armed forces and Veterans who have met minimum Active Duty service requirements, as applicable by law, and were discharged under conditions other than dishonorable. Members of the reserve components of the armed forces who die while on Active Duty under certain circumstances or who die while on training duty are also eligible for burial, as are Servicemembers and former Servicemembers who were eligible for retired pay at the time of their death. A Veteran’s spouse, surviving spouse, minor children, and, under certain conditions, unmarried adult children with disabilities, may also be eligible for burial. Eligible spouses and children may be buried even if they predecease the Veteran.

A spouse is defined as a person who is legally married to a Veteran. A surviving spouse is defined as a person who was legally married to a Veteran at the time of the Veteran's death and includes a surviving spouse who had a subsequent remarriage following the Veteran’s death. A non-Veteran spouse of a Veteran whose marriage to the Veteran was dissolved by divorce or annulment issued by an authoritative court is ineligible for burial in a VA national cemetery.

**National Guard and Reserve Member eligibility**

Members of the reserve components of the armed forces who die while on active duty under certain circumstances or while performing training duty or who have 20 years of service creditable for retired pay, or were called to Federal active duty under Title 10 and served the full term of service are eligible for burial in a VA national cemetery. A discharge document, such as a DD 214, should indicate Active Duty for purposes other than training, other active duty or executive orders.

[**Application for members who have no supporting documents, such as a DD 214 discharge document**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;5)

These members can still apply. Supporting documentation is not required to apply. However, if these documents are available and are sent along with the application, VA will be able to process the application faster. *If discharge documents are not readily available, VA will attempt to obtain the records necessary to make a determination once we receive the application.* If we need additional information to substantiate the claim, VA will contact the applicant and let them know what additional evidence is required. Applicants will have an opportunity to provide additional information. DD FM 214 can be requested at www.archives.gov/veterans/military-service-records.

[**Are separate forms required for the member and the spouse**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;6)

Yes. Each person requesting a pre-need eligibility determination for burial must complete a separate form so that VA can make and record individual eligibility determinations.

A spouse is defined as a person who is legally married to a Veteran. A surviving Spouse is defined as a person who was legally married to a Veteran at the time of the Veteran's death and includes a surviving spouse who had a subsequent remarriage following the death of the Veteran. A non-Veteran spouse of a Veteran whose marriage to the Veteran was dissolved by divorce or annulment issued by an authoritative court is not eligible for burial in a VA national cemetery.

[**What happens if VA makes a favorable pre-need eligibility determination**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;7)

If VA favorably determines eligibility, VA will notify the applicant of our determination and store the pre-need application, supporting documentation, and the decision letter for use at the time of need. We encourage members to keep our decision letter and other information we will provide with other important papers and to discuss burial wishes and final arrangements with family members or other representatives.

[**What happens if VA determines I am ineligible for burial in a VA national cemetery**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;8)

VA will issue a written denial decision letter explaining the reasons or basis of the denial. If the applicant disagrees with our decision denying the pre-need request, they have the right to appeal the decision. If they wish to appeal, the applicant has one year from the date of the pre-need decision letter to file a notice of disagreement. If no notice of disagreement is filed within one year, the decision will become final. Applicants can submit additional evidence to support a claim if they choose to appeal the pre-need decision. The [VA Form 4107,](http://www.va.gov/vaforms/va/pdf/VA4107.pdf) Rights to Appeal Our Decision will be provided; it explains the applicants right to appeal and how to submit additional evidence. For more information visit: [www.va.gov/opa/publications/benefits\_book/benefits\_chap14.asp](http://www.va.gov/opa/publications/benefits_book/benefits_chap14.asp).

**Does applying** [**for pre-need eligibility obligate the applicant to be buried in a VA national cemetery**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;9)

No. Submitting a VA pre-need application and being found eligible does not obligate an applicant to be buried in any national cemetery. If next of kin making final arrangements submits a burial request on behalf of the applicant, VA will locate the pre-need decision letter and validate the determination.

[**If VA determines favorable eligibility, what happens at my time of need**](https://www.cem.va.gov/CEM/pre-need/FAQ/?_ga=2.60198186.648844967.1543939598-1776802444.1541087573&amp;11)

At the time of need, the next-of-kin, funeral home or other representative responsible for making final arrangements should contact the National Cemetery Scheduling Office at (800) 535-1117 to request burial. VA will locate the applicants pre-need decision letter and validate our determination. Because laws and personal circumstances change, VA will validate the pre-need decision using the laws in effect at the time VA receives the burial request. We will also check for any bars to receipt of the burial benefit.

**What is a bar to a burial benefit?**

Although a person may be found eligible for burial, title 38 U.S.C. Section 2411, prohibits VA from memorializing or interring in any VA national cemetery a person found to have committed a capital crime or a serious sex offense, under Federal or State law. VA will determine whether any bars to receipt of the burial benefit exists when we receive a burial request.